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April 11, 2008

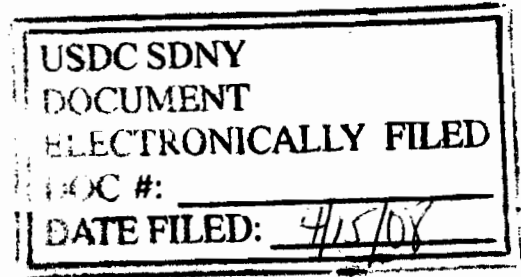
VIA FACSIMILE @ 212-805-7932 & REGULAR MAIL

Honorable Theodore H. Katz

Daniel Patrick Moynihan United States Courthouse

500 Pearl Street, Rm. 1660

New York, NY 10007



Re: 1199 v. Kingsbridge Heights Care Center, Inc.

Dear Honorable Sir:

07cv9744(DLC)(THK)

I represent the defendant in the above referenced action, which seeks relief for the alleged breach of a settlement agreement arising from an expired collective bargaining agreement between the defendant, proprietor of a 400 bed nursing home, and the plaintiffs, trustees of various benefit funds associated with a union local whose employees work in the nursing home. The court should be aware that said union has been on strike against the defendant's nursing home for the past two months.

Judge Cote ordered all counsel in the above matter to contact Your Honor before April 11, 2008 regarding a possible mediation. Because of the deadline imposed by Judge Cote and in accordance with Your Honor's rules, I have taken the liberty of sending this fax to the court.

It is my understanding that the underlying dispute, which has been the subject of the within and at least one State Court litigation as well as several charges in the NLRB, has already been ordered to mediation through a federal mediation service, details of which I do not have before me at this time. Accordingly, the defendant suggests that a second medication before Your Honor would not only require duplicative efforts, but also would foreseeably complicate this already complicated situation.

Thus, while the defendant will comply with any direction issued by Your Honor for mediation, the defendant respectfully requests that the court refrain from directing the parties to appear for mediation, for the reasons set forth hereinabove.

The court's time and attention are greatly appreciated.

Very truly yours,



PAUL M. SOD

PMS:mcj

cc: Hanan B. Kolko, Esq. via fax @ 212-239-1311 and regular mail
Helen Sieger via email

*This Court intends to hold a
settlement conference on May 5, 2008 at
2:00 P.M. A representative of the parties
must be present, with authority to settle
the matter.*

SO ORDERED

4/15/08



**THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE**